REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being cancelled.

No claims are currently being amended.

Claims 57 and 58 are currently being added.

This amendment and reply adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding the claims as set forth above, claims 1-10, 12-18, 41-48 and 54-58 are now pending in this application, whereby claims 6-10, 12, 13, 14-18, 41-48, 55 and 56 are withdrawn from consideration.

Request for Consideration of Claims 10, 12, 13, 55 and 56:

It is respectfully requested that claims 10, 12, 13, 55 and 56 be considered along with the other claims in this application, since the features of claim 53 directed to "modifying a size of a reference cache profile memory" have previously been considered in a previous Office Action issued by the PTO, whereby claims 10, 12, 13, 55 and 56 are directed to features along those same lines, thereby not posing any additional burden to the fields of searching already performed on this application.

Claim Rejections – Prior Art:

In the final Office Action, claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0032754 to Longston et al. in view of Windows NT Server; and claim 54 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0032754 to Longston et al. in view of Windows NT Server and further in view of Applicant's Admitted Prior Art ("AAPA").

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These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Independent claim 1 recites:

A networkable resource server adapted in use to serve out resources to client devices of a network, the server having delivery context aware activity software which when run on a processor of the server causes a report to be produced containing data related to delivery context aware requests, received by the server, for resources,

wherein the report includes information concerning characteristics of the server, network characteristics linking the server and the client devices, characteristics of the client devices, and characteristics of any intermediary devices in a network path between the client devices and the server,

wherein the report is sent out periodically to a master monitoring processor, to thereby notify the master monitoring processor of context delivery related information that has changed since the master monitoring processor was last updated.

The sending out of a report periodically to a master monitoring processor, to thereby notify the master monitoring processor of context delivery related information that has changed since the master monitoring processor was last updated, are features not disclosed, taught or suggested by Windows NT Server, contrary to the assertions made in the Office Action. Namely, the fact that updated reports are generated and viewed, whereby the updated reports are distinguished by time, date and category, says nothing about **periodically notifying** a master monitoring processor of context delivery related information that has changed since the master monitoring processor was last updated. The capability of sending out updated reports, as taught by Windows NT Server, is clearly an ad hoc thing that is not something that is periodically sent out on a fixed schedule (e.g., every hour on the hour).

Accordingly, independent claim 1 is patentable over the cited art of record.

Still further, in its rejection of dependent claim 54, the Office Action incorrectly asserts that AAPA teaches the features recited in that claim. Rather, claim 54 recites that a server references a cache memory to create a profile of at least one client device using a

profile-diff transmitted to the server by the client device and the reference profile retrieved from the cache memory. Namely, while paragraphs 0013 and 0014 of AAPA describe that a server requests for a data work from a client device and retrieves the reference profile, and whereby servers are known to cache reference profiles in a local memory, claim 54 does not recite where the cache reference profile is stored by a server after obtaining it, but rather it recites that information stored in a cache memory is obtained by the server in order to perform a particular function.

Accordingly, since AAPA does not teach or suggest the specific features of claim 54 discussed above, dependent claim 54 patentably distinguishes over the cited art of record.

New Claims:

New claim 57 has been added to recite features described on page 24, lines 28-29 of the specification, to more positively distinguish over AAPA. New claim 58 has been added to recite features of the report, as described, for example, on page 29, lines 27-28 of the specification.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith,

Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date _____ *May 1, 2009* _____   By _____ *[signature]* _____

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